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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,999	01/03/2001	Patrick Lodola	1279.029	3449

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/753,999	<b>Applicant(s)</b> LODOLA, PATRICK	
	<b>Examiner</b> Christopher M. Lambrecht	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/23/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/23/2001</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|--|---|

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosin (Rosin et al., US006028600A) in view of Bedard (supplied by Applicant).

With regard to claim 1, Rosin discloses a method for the management of a decoder (client 10, fig. 1) that is connected to a television set (14, fig. 1) and receives a message (video and/or computer data) for display (col. 4, ll. 17-21), identified by an address (col. 7, ll. 7-12, 20-25, and 51-52, i.e., a user interface displayed on the television comprises a guide page containing objects referencing a URL, where a URL constitutes an address), from a remote data source (server 16, col. 5, ll. 52-60) wherein: a database (i.e., a collection of data) is stored in a back-up memory (digital data storage medium 22, col. 4, ll. 26-30) of the decoder (10) from a collection of messages received from the remote data source (16) (col. 9, ll. 3-7, where “associated objects or graphics” saved on the digital storage medium comprise a database); the database is updated by means of an updating program (col. 9, ll. 11-15, where “automatically updated” inherently includes an updating program to perform the updating without interaction by the user). However, Rosin fails to explicitly disclose from a use of the database, a statistical information table, a statistical information element comprising at least one statistical information parameter is stored in the decoder.

In an analogous art, Bedard discloses from a use of the database, a statistical information table (viewer profile array 200, fig. 2, col. 4, ll. 27-37), a statistical information element (an entry in array 200,

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fig. 2, col. 4, ll. 49-55) comprising at least one statistical information parameter (total viewing units counter, 204, fig. 2) is stored in the decoder (col. 3, ll. 57-62), for the purpose of determining viewer preferences for a given time period (col. 4, ll. 34-37).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rosin to include from a use of the database, a statistical information table, a statistical information element comprising at least one statistical information parameter is stored in the decoder, as taught by Bedard, for the purpose of determining viewer preferences for a given time period in a method for managing a decoder.

As for claim 2, Rosin and Bedard together disclose the method according to claim 1. In addition, Rosin discloses wherein during a request for connection to a desired address (where an object is associated with a link, col. 8, l. 50-51, a link is associated with a URL, col. 7, ll. 51-52, and an URL constitutes an address) of a message for display (object), it is first verified that the message for display, associated with this desired address, is present in the database (collection of objects in the digital storage medium, col. 9, ll. 3-6), and, if so, it is taken therefrom; if not, a set of contents of the message for display, located at the desired address, is taken from the remote data source (col. 8, l. 63 – col. 9, l. 8, i.e., an object retrieved from the digital storage medium is stored locally, and consequently provides a fast dynamic interface, col. 9, ll. 3-8; and if the object is not stored locally, it can be downloaded from the remote source (server), col. 8, l. 66 – col. 9, l. 3).

As for claim 3, Rosin and Bedard together disclose the method according to claim 1. In addition, Rosin discloses wherein the remote data source (16, fig. 1) is accessed by means of a cable network (17, fig. 1) and/or a satellite network (19, fig. 1).

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As for claim 4, Rosin and Bedard together disclose the method according to claim 1. In addition, Rosin discloses wherein the remote data source (16, fig. 1) is accessed by regularly (downloaded periodically, col. 9, ll. 3-8) in order to take a set of updated contents associated with a message for display of the database (the database, i.e., the collection of objects is updated automatically, col. 9, ll. 11-15).

As for claim 5, Rosin and Bedard together disclose the method according to claim 1 wherein the statistical parameter (Bedard, total viewing units counter, 204, fig. 2) used is an identifier of the message for display (object), the identifier being a piece of information such as an address (Rosin, col. 9, ll. 11-15, where an object is a web page, and a web page is identified by an URL or address).

As for claim 6, Rosin and Bedard together disclose the method according to claim 1. In addition, Bedard discloses wherein a statistical parameter (total viewing units counter, 204, fig. 2) pertaining to a frequency of use of the message for display (i.e., a particular program or time slot and/or genre category on a particular channel) is placed in a piece of statistical information (an entry in array 200, fig. 2, col. 4, ll. 49-55), and wherein when it is no longer possible to save a message for display in the back-up memory, a message for display present in the database is eliminated, starting from the least used message (col. 5, l. 59 – col. 6, l. 1).

As for claim 8, Rosin and Bedard together disclose the method according to claim 1. In addition, Rosin discloses the back-up memory (digital storage medium 22, fig. 1) is placed in the decoder (10) (col. 4, ll. 25-30).

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As for claim 9, Rosin and Bedard together disclose the method according to claim 1. In addition, Rosin discloses the database is updated when a use of the decoder allows it (automatic updating occurs during off-peak hours, col. 9, ll. 11-15).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosin and Bedard as applied to claim 1 above, and further in view of Picco (supplied by Applicant).

With regard to claim 7, Rosin and Bedard together disclose a method according to claim 1. In addition, Rosin discloses the decoder (client 10) is associated with a server (where the client 10 and server 16 constitute a client-server system, col. 4, ll. 12-15) of an operator (where server 16 is part of an on-line service 26, col. 5, ll. 56-59). However, Rosin and Bedard fail to explicitly disclose a set of contents pertaining to the table of statistical information is sent to the server, and a piece of information for display, in concordance with a profile set up on the basis of the table, is received from the server.

In an analogous art, Picco discloses a set of contents pertaining to the table of statistical information is sent to the server (uplink facility 102, p. 13, ¶2, ll. 1-3) (p. 14, ¶2, l. 16 – p. 15, ¶1, l. 1), and a piece of information for display, in concordance with a profile set up on the basis of the table, is received from the server (i.e., transmitted by the satellite for distribution to clients) (p. 15, ¶1, ll. 3-13) for the purpose of selecting local content for distribution based on usage statistics (p. 15, ¶1, ll. 7-9).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Rosin and Bedard to include a set of contents pertaining to the table of statistical information is sent to the server, and a piece of information for display, in concordance with a profile set up on the basis of the table, is received from the server, as taught by Picco, for the purpose of selecting local content for distribution based on usage statistics in a method for managing a decoder.

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***Conclusion***

4. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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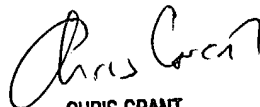
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2611

CML

  
CHRIS GRANT  
PRIMARY EXAMINER